

REMARKS/ARGUMENTS

Applicants respectfully request reconsideration of this application in view of the foregoing amendments to the claims and the following comments.

The Office Action mailed April 19, 2004, set forth the following claim objection and rejections:

- In paragraph 2, claim 32 was objected to because of a minor informality in referencing elements defined in parent claim 1.
- In paragraph 4, claims 1, 2, and 12 were rejected under the doctrine of obviousness-type double patenting, as allegedly unpatentable over claims 1, 2, and 8 of U.S. Patent No. 6,413,641 to Yamasaki et al. (the "Yamasaki patent") and claims 1 and 3 of U.S. Patent No. 6,585,373 to Evans et al. (the "Evans patent").
- In paragraph 6, claims 1, 3-5, 11-12, and 32-38 were rejected under 35 U.S.C. § 102(e), as allegedly anticipated by U.S. Patent No. 6,096,425 to Smith (the "Smith patent").
- In paragraph 8, claim 2 was rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over the Smith patent in view of U.S. Patent No. 6,113,811 to Kausch et al. (the "Kausch patent").
- In paragraph 9, claims 6-10 were rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over the Smith patent in view of U.S. Patent No. 6,127,505 to Slagel (the "Slagel patent").

Applicants respectfully traverse these rejections.

In response, Applicants have by this Amendment amended dependent claim 32 to correct the noted informality, and they have amended independent claim 1 and dependent claims 11 and 12, to more particularly define the optical-quality polarized part of the invention and thereby distinguish more clearly over the cited patents. Applicants also have added new claim 39 to the application. No new matter has been introduced by these amendments.

These amendments, and the distinctions of the claimed invention from the cited patents, are discussed below.

The Informality Objection to Claim 32

As mentioned above, claim 32 was objected to because of a minor informality. Specifically, the Examiner pointed out that the limitations "a first side and an opposing second side" were already set forth in parent claim 1.

By this Amendment, Applicants have amended dependent claim 32 to delete the objected-to language. This objection to claim 32 should now be withdrawn.

The Obviousness-Type Double Patenting Rejection

As mentioned above, claims 1, 2, and 12 were rejected under the doctrine of obviousness-type double patenting, as allegedly unpatentable over claims 1, 2, and 8 of the Yamasaki patent and claims 1 and 3 of the Evans patent.

In response to this rejection, Applicants submit the accompanying Terminal Disclaimer, disclaiming the terminal part of any patent issuing from this application that otherwise would extend beyond the expiration date of the Yamasaki patent and the Evans patent. In view of this Terminal Disclaimer, the obviousness-type double patenting rejection of claims 1, 2, and 12 should now be withdrawn.

The Rejection of Claims Under 35 U.S.C. § 102(e) Based on the Smith Patent

As mentioned above, claims 1, 3-5, 11-12, and 32-38 were rejected under 35 U.S.C. § 102(e), as allegedly anticipated by the Smith patent.

In support of this rejection, the Examiner asserted as follows:

"... Smith discloses an optical-quality polarized part (fig. 1) comprising an optical construct (1, 2, 4 and 5) having a bonding surface (fig. 1) and comprising a high impact polyurethane-based optical material (2 and 4, column 3, lines 22-23 and 34-36); a polarizer (3) . . . having a first side (next to 2) and an opposing side (next to 4) where in the first side and

second side of the polarizer are integrally bonded to the optical construct across the entire bonding surface thereof, in a prescribed place thereon (fig. 1) . . .”

Office Action dated April 19, 2004, pages 3-4.

Applicants do not disagree with the Examiner's brief summary of the Smith patent's disclosure. Nevertheless, the summary is incomplete.

Smith's polarized laminate includes five distinct layers: a polarizer (3), two polyurethane adhesive film layers (2, 4) laminated to opposite sides of the polarizer (3), and two plastic layers (1, 5) laminated to the outer surfaces of the adhesive films (2, 4). The polyurethane adhesive film layers (2, 4), which have preferred thicknesses of about 0.1 mm, function as an adhesive between the adjacent polarizer (3) and plastic layer (1 or 5) and provide impact resistance by absorbing and dissipating the energy of a direct blow to the outer plastic layers (1, 5). See, Smith patent, col. 3, lines 5-6 and lines 22-38.

Importantly, the polyurethane adhesive film layers (2, 4) are insufficiently sized to constitute an “optical construct” by themselves; at a thickness of merely 0.1 mm, these adhesive film layers require the support provided by the adjacent plastic layers (1, 5). They cannot function properly without such support.

By this Amendment, Applicants have amended independent claim 1 to specify that the optical construct that is integrally bonded to the polarizer not only comprises a high impact polyurethane-based optical material, but also is “solid” and “unitary.” These features are present in the optical-quality polarized parts made according to the methods set forth in *all* of the exemplary flowcharts of FIGS. 3-6. These methods are described in detail in paragraphs 0039-0043 and 0047-0074 of Applicants' original specification. The identified features of independent claim 1 are *lacking* in the polyurethane adhesive layers of the Smith laminate.

For these reasons, the § 102(e) rejection of independent claim 1 and its dependent claims 3-5, 11-12, and 32-38, as allegedly anticipated by the Smith patent, is improper and should be withdrawn.

The Rejection of Claim 2 Under 35 U.S.C. § 103(a) Based on the Smith and Kausch Patents

As mentioned above, claim 2 was rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over the Smith patent in view of the Kausch patent.

Claim 2 depends from amended independent claim 1, and thus incorporates the features calling for the optical construct to comprise a high impact polyurethane-based optical material and to be "solid" and "unitary." As discussed above, the Smith patent fails to show or suggest an optical-quality polarized part incorporating such an optical construct. Moreover, the Kausch patent fails to make up for this deficiency. The Kausch patent does, in fact, disclose a polarizer comprising polyethylene terephthalate (PET), as asserted by the Examiner. However, the Kausch patent fails to suggest integrally bonding such a polarizer with an optical construct of the kind defined in parent claim 1.

For this reason, and for the reasons set forth above with respect to independent claim 1, the § 103(a) rejection of claim 2 should be withdrawn.

**The Rejection of Claims 6-10 Under 35 U.S.C. § 103(a)
Based on the Smith and Slagel Patents**

As mentioned above, claims 6-10 were rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over the Smith patent in view of the Slagel patent.

Claims 6-10 depend from amended independent claim 1, and thus incorporate the features calling for the optical construct to comprise a high impact polyurethane-based optical material and to be "solid" and "unitary." As discussed above, the Smith patent fails to show or suggest an optical-quality polarized part incorporating such an optical construct. Moreover, the Slagel patent fails to make up for this deficiency. The Slagel patent does, in fact, disclose a high impact polyurethane-based optical material, as asserted by the Examiner. However, the Slagel patent fails to suggest substituting such material for the polyurethane adhesive layers of the Smith laminate.

For this reason, and for the reasons set forth above with respect to independent claim 1, the § 103(a) rejection of claims 6-10 should be withdrawn.

New Claims 39-42

New independent claim 39 defines an optical-quality polarized part comprising a solid, unitary optical construct and a polarizer. The optical construct is defined to comprise a high impact polyurethane-based optical material, and the polarizer is defined to have first and second sides that *both* are integrally bonded to the optical construct, in a prescribed place within the optical construct. New claims 40 and 41 depend from independent claim 39, with claim 40 defining the polarizer to comprise a polyethylene terephthalate film, and with claim 41 defining the polarizer to comprise a wafer. All of these features are disclosed in Applicants' original specification. See, for example, FIGS. 4 and 5 and paragraphs 0058-0071.

New independent claim 42 defines an optical-quality polarized part comprising a solid, unitary optical construct and a polarizer. The optical construct comprises a high impact polyurethane-based optical material, and the polarizer comprises a polyethylene terephthalate film. The optical construct has a front bonding surface and an opposing rear surface, and the polarizer has a first side and an opposing second side. The first side of the polarizer is integrally bonded to the optical construct across the entire front bonding surface thereof, in a prescribed place thereon. All of these features are disclosed in Applicants' original specification. See, for example, FIG. 6 and paragraphs 0072-0074.

For the reasons set forth above, the cited patents fail to show or suggest an optical-quality polarized part having the features set forth in new claims 39-42. Accordingly, new claims 39-42 should be allowed.

Conclusion

This application should now be in condition for allowance. Issuance of a Notice of Allowance is respectfully requested. If the Examiner believes that a telephone conference with Applicants' undersigned attorney of record might expedite the prosecution of this application, she is invited to call at the telephone number indicated below.

Date: July 19, 2004

Respectfully submitted,

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By: _____


James R. Brueggemann
Registration No. 28,286

333 South Hope Street, 48th Floor
Los Angeles, California 90071
Telephone: (213) 620-1780 x4156
Facsimile: (213) 620-1398